

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

|   |   |                          |
|---|---|--------------------------|
| Donald W. Gay,                          | ) | C/A NO. 9:15-2957-CMC-BM |
|   | ) |                          |
| Plaintiff,                              | ) |                          |
|   | ) | <b>OPINION and ORDER</b> |
| v.                                      | ) |                          |
|   | ) |                          |
| Warden Cecilia Reynolds; Solicitor Knox | ) |                          |
| McMahon; Columbia Police Department;    | ) |                          |
| NFN Benson; NFN Bales; NFN Thomas;      | ) |                          |
| NFN Rice; Ministerial Recorder Mary H.  | ) |                          |
| Brogle,                                 | ) |                          |
|   | ) |                          |
| Defendants.                             | ) |                          |
|   | ) |                          |

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This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation ("Report"). On August 20, 2015, the Magistrate Judge issued a Report recommending that this matter be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed an "Answer to the Report and Recommendation" on August 28, 2015.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is

made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to objections made, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusion of the Report. Accordingly, the Report is adopted by reference in this Order.

Plaintiff's "Answer" presents no argument or legal authority in response to the Report which might show that the Report errs in its legal or factual conclusions. Therefore, this matter is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
August 31, 2015